NEW HAMPSHIRE BOARD OF NURSING MINUTES March 19, 2015

Recorder: Kathryn Dickson, Executive Secretary

1.0 Call to Meeting		Meeting called to order at 8:04 a.m. with R. Duhaime (RD), Chair, presiding. Board members present: K. Baranowski (KB), N. Fortin (NF); K. Kidder (KK), T. Collins (TC), R. Petrin (RP), A. Finn-Waddell (AF), B. Fersch (BF), J. Kuras (JK), C. Smith (CS), H. Featherston (HF) joined Board at 10:30 a.m. Board staff present: D. Nies (DN), A. Pavlidis (AP),C. Brody (CB), S. Goodness (SG), K. Dickson (KD)	
1.1 Open Forum	None		
1.2 Addendum 1.2.1 Additions 1.2.2 Deletions	None	 2.2 Emergency meeting minutes 4.1 Expense Summary Budget 7.1.2.1 C. Melanson Exhibits 7.2.1 J. Duguay, II, VS 8.1.2.1 R. Joseph, written testimony 9.3.8 A. S., LNA initial licensure 9.3.9 A. M., LNA initial licensure 11.3.2 RN scope of practice: Removal of loose tooth from child 	
1.3 Appearances		4.4 Governor's office 8:30 a.m. 7.1.1 A. Nielsen 8:30 a.m. 7.1.2 C. Melanson 9:00 a.m. 7.1.3 E. Perry 9:15 a.m. 7.1.4 F. Orchard 9:30 a.m. 7.1.5 S. McGlyn 10:00 a.m. 7.1.6 T. Kellom 10:30 a.m. 11.3.1 S. Carroll, SNHMC 11:30 a.m. 4.3 J. Loven 1:00 p.m. 8.1.1 L. Wildes 1:15 p.m.	

TOPIC	DISCUSSION	ACTION

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			8.1.3 K. Decristaforo 1:45 p.m. 9.2.1 Z. Austin 2:00 p.m.
			9.2.2 N. Thompson 2:15 p.m.
2.0			8.1.2 R. Joseph 2:30 p.m.
2.0	Approval of minutes	Reviewed and discussed.	MIZIZ CONF to annual minutes and military
	2.1 February 19, 2015 Regular Board meeting minutes	Reviewed and discussed.	M/KK, S/NF to approve minutes as written. Unanimous.
	2.2 March 11, 2015	Reviewed and discussed.	M/KK, S/NF to approve minutes as written.
	Emergency meeting minutes		Unanimous.
4.0	Report of Executive Director/Staff		
	4.1 Expense Summary Budget	FYI.	
	4.3 John Loven, Probation Officer	John Loven, Probation Officer, has client who was denied permission to take LNA class based on criminal record. He asked Board to reconsider denial.	Board advised that LNA make appointment to appear before Board for reconsideration.
	4.4 Representatives from Governor's office.	Meredith Tellus and Jen Kuzma, representatives from Governor's office, spoke to board consolidation and answered questions regarding structure and implications.	
6.0	Report of Investigator/Prosecutor		
	6.1 Open files	Reviewed and discussed open files with	
		Investigator/Prosecutor.	
7.0	Adjudicative (Investigator/Prosecutor)		
	7.4 Dismissals (Proposed) 7.4.1 – 7.4.3	Duaria valv naviarva d	MAIE SIVV to approve recommendations for
	7.4.1 – 7.4.5	Previously reviewed.	M/NF, S/KK to approve recommendations for 7.4.1 through 7.4.3 as proposed. Unanimous.
	7.5 Recommendations (Proposed) 7.5.1 – 7.5.6	Previously reviewed.	M/NF, S/KK to approve recommendations for 7.5.1 – 7.5.6 as proposed. Unanimous.
	7.5.7 A. Roy, LPN #016488-22	Reviewed and discussed Hearing Counsel's recommendation to emergency suspend LPN license of A. Roy.	M/TC, S/NF to emergency suspend A. Roy's NH LPN license. Unanimous.
8.0	Adjudicative (Executive Director) 8.2 Recommendations (Proposed)		

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	8.2.1 – 8.2.7 Letters of Concern and Dismissals (BF, LPN; recused Board member)	Previous reviewed. 8.2.2 removed from Consent Agenda for discussion.	M/NF, S/KK to approve recommendations for 8.2.1, 8.2.3, 8.2.4, 8.2.5, 8.2.6 and 8.2.7. Unanimous. M/NF, S/CS to dismiss 8.2.2 with Letter of Concern. Unanimous.
9.0	Licensure 9.3 Licensure – non-appearances 9.3.1 – 9.3.7 Pending licensure in NH 9.3.8 A. S., LNA initial license 9.3.9 A. M., LNA initial licensure	Previously reviewed. Reviewed and discussed. Reviewed and discussed.	M/NF, S/KK to approve licensure in NH for 9.3.1 through 9.3.9. Unanimous.
10.0	10.1 Consideration for Approval Status 10.1.1 Pinkerton Academy LNA Program	Previously reviewed.	M/NF, S/KK to grant <i>Continued Approval</i> of the LNA Program and its Coordinator. Unanimous.
	10.1.2 Med Pro Educational Services, LLC LNA Program	Previously reviewed.	M/NF, S/KK to notify coordinator that they must be in compliance of Nur 700 within 30 days of Board notification. No new students shall be admitted until program meets compliance. Unanimous.
	10.1.3 Med Pro Educational Services, LLC MNA Program	Previously reviewed.	M/NF, S/KK to notify coordinator that they must be in compliance of Nur 800 within 30 days of Board notification. No new students shall be admitted until program meets compliance. Unanimous.
	10.1.4 Harmony Health Care Institute LPN program.	Reviewed and discussed request for full approval of LPN program.	M/NF, S/TC to grant <i>Full Approval</i> of Practical Nurse Program for five-year period allowed under Administrative Rules. Unanimous.
11.0	Practice Inquiries and Practice Committee Reports 11.1 Liaison Committee (KK)	No meeting	
	11.2 P & E Committee (NF)	P & E Committee working on current FAQs on website.	

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	11.3 Request for Board advice: 11.3.2 RN scope of practice: Removal of loose tooth from child	Reviewed and discussed question of whether or not it is within RN scope of practice to remove loose tooth from child.	Board remains silent on this issue.
12.0	Committee Reports and Recommendations 12.1 HeM 1201 (TC)	No meeting.	
	12.3 ADA (NF, AF, TC)	No applicants. AP requested that she assume responsibility of approving nursing applicants for accommodations. If she has concern, she will bring application to Board.	M/NF, S/TC to approve AP to handle ADA applicants. Unanimous.
7.0	Adjudicative (Investigator/Prosecutor)		
	7.1 Hearings 7.1.1 A. Nielson, LNA #022594-24	Hearing held for A. Nielson, LNA #022594-24, Docket #15-0304-0463-NA pursuant to the Nurse Practice Act RSA 326-B and the administrative rules, Chapter 100 -800, proceeded at 9:18 a.m. with R. Duhaime, Chair, presiding. Board members present: K. Baranowski (KB), N. Fortin (NF); K. Kidder (KK), T. Collins (TC), R. Petrin (RP), A. Finn-Waddell (AF), B. Fersch (BF), J. Kuras (JK), C. Smith (CS) Board staff present: S. Goodness (SG), K. Dickson (KD), L. O'Connor (LO), Hearing Counsel for Board of Nursing Reading of Notice of Hearing waived. Respondent present to offer testimony. Witness: Denise Nies, MSN, RN, BC, Executive Director, NH BON Hearing concluded at 9:47 a.m.	M/NF, S/BF to affirm Hearing Counsel's Proposed Findings of Facts #1-#7; affirm Hearing Counsel's Proposed Rulings of Law #1 - #3; affirm Hearing Counsels Proposed Sanctions #4 - #7; denies Hearing Counsels Proposed Sanctions #2-#3; amend Hearing Counsel's Proposed Sanctions #1 to extend current PROBATION for 2 years with additional conditions and stipulations. Aye: NF, BF, KK, JK, AF, RD, KB, CS, TC Nay: RP (See Docket #15-0304-0463-NA)
	7.1.2 C. Melanson, LNA #030543-24	Hearing held for C. Melanson, LNA #030543-24, Docket #14-0429-0429-NA pursuant to the Nurse Practice Act RSA 326-B and the administrative rules, Chapter 100 - 800, proceeded at 9:52 a.m. with R. Duhaime, Chair, presiding. Board members present: K. Baranowski (KB), N. Fortin (NF); K. Kidder (KK), T. Collins (TC), R. Petrin (RP), A. Finn-Waddell (AF), B. Fersch (BF), J. Kuras (JK), C. Smith (CS)	M/NF, S/KB to dismiss complaint. Unanimous.

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		Board staff present: S. Goodness (SG), K. Dickson (KD), L. O'Connor (LO), Hearing Counsel for Board of Nursing Reading of Notice of Hearing waived. Respondent present to offer testimony. Signed "Stipulation of Facts" was presented. Hearing concluded at 10:04 a.m.	
7.1.3	E. Perry, RN #063560-21	Hearing held in absentia for E. Perry, RN #063560-21, Docket #15-0304-0464 pursuant to the Nurse Practice Act RSA 326-B and the administrative rules, Chapter 100 - 800, proceeded at 10:07 a.m. with R. Duhaime, Chair, presiding. Board members present: K. Baranowski (KB), N. Fortin (NF); K. Kidder (KK), T. Collins (TC), R. Petrin (RP), A. Finn-Waddell (AF), B. Fersch (BF), J. Kuras (JK), C. Smith (CS) Board staff present: S. Goodness (SG), K. Dickson (KD), L. O'Connor (LO), Hearing Counsel for Board of Nursing Reading of Notice of Hearing waived. Witness: Sarah MacLeay, RN, Hanover Terrace Healthcare Hearing concluded at 10:27 a.m.	M/KB, S/KK to affirm Hearing Counsel's Proposed Findings of Facts #1-#17; affirm Hearing Counsel's Proposed Rulings of Law #1 - #4; affirm Hearing Counsels Proposed Sanctions #2 - #7; amend Hearing Counsel's Proposed Sanctions #1 to REVOKE RN license for a period not less than 5 years and assess monetary penalty of \$2000 to deter future misconduct and to defray costs associated with investigation and prosecution of case. Unanimous.
	T. 0. 1. 1. DV		HF joined Board at 10:30 a.m.
7.1.4	F. Orchard, RN #066324-21	Reviewed and discussed Motion to Continue.	AF recused. M/NF, S/RP to approve request for Motion to Continue. Unanimous.
7.1.5	S. McGlyn Inactive LNA #041743-24	Hearing held in absentia for S. McGlyn, LNA #041743-24, Docket #15-0304-0465-NA pursuant to the Nurse Practice Act RSA 326-B and the administrative rules, Chapter 100 - 800, proceeded at 10:35 a.m. with R. Duhaime, Chair, presiding. Board members present: K. Baranowski (KB), N. Fortin (NF); K. Kidder (KK), T. Collins (TC), R. Petrin (RP), A. Finn-Waddell (AF), B. Fersch (BF), J. Kuras (JK), C. Smith (CS), H. Featherston (HF) Board staff present: S. Goodness (SG), K. Dickson	M/NF, S/KB to affirm Hearing Counsel's Proposed Findings of Facts #1-#17; affirm Hearing Counsel's Proposed Rulings of Law #1 - #4; affirm Hearing Counsels Proposed Sanctions #2 - #7; amend Hearing Counsel's Proposed Sanctions #1 to REVOKE RN license for a period not less than 5 years and assess monetary penalty of \$2000 to deter future misconduct and to defray costs associated with investigation and prosecution of case.

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	(KD), L. O'Connor (LO), Hearing Counsel for Board of Nursing Reading of Notice of Hearing waived. Witnesses: Laurie Cailler, RN Trusting Hands Home Health Care Barbara Whited, LPN, Trusting Hands Home Health Care Hearing concluded at 10:41 a.m.	Unanimous.
7.1.6 T. Kellom, LPN #011208-22	Hearing held in absentia for T. Kellom, LPN #011208-22, Docket #15-0304-0467pursuant to the Nurse Practice Act RSA 326-B and the administrative rules, Chapter 100 - 800, proceeded at 10:57 a.m. with R. Duhaime, Chair, presiding. Board members present: K. Baranowski (KB), N. Fortin (NF); K. Kidder (KK), T. Collins (TC), R. Petrin (RP), A. Finn-Waddell (AF), B. Fersch (BF), J. Kuras (JK), C. Smith (CS), H. Featherston (HF) Board staff present: S. Goodness (SG), K. Dickson (KD), L. O'Connor (LO), Hearing Counsel for Board of Nursing Reading of Notice of Hearing waived. Witness: Patricia Henderson, DON, Sullivan County Health Care Hearing concluded at 11:14 a.m. Non-public attorney-client session held from 11:15 – 11:52 a.m.	M/KB, S/KK to affirm Hearing Counsel's Proposed Findings of Facts #1-#11; affirm Hearing Counsel's Proposed Rulings of Law #1 - #2; affirm Hearing Counsels Proposed Sanctions #2 - #7; amend Hearing Counsel's Proposed Sanctions #1 to SUSPEND RN license for a period not less than 5 years and assess monetary penalty of \$500 to deter future misconduct and to defray costs associated with investigation and prosecution of case. Unanimous.
7.1.7 J. Donahue RN Endorsement	Continued deliberation from February 19, 2015 meeting.	M/NF, S/KK to affirm Hearing Counsel's Proposed Findings of Facts #1 - #15; deny Hearing Counsel's Proposed Rulings of Law #1 and to grant NH RN license by endorsement. Unanimous.
	M/NF, S/KK to conduct non-public session for purpose of discussion of alleged licensee misconduct. Non-public session is authorized by RSA 91-A:3 II and Board's executive and deliberative privileges. Minutes of non-public session shall be sealed. Board voted as follows: Yea: HF, KK, TC, NF, KB, RP	

		TOPIC	DISCUSSION	ACTION
			Non-public session began at 12:40 p.m. and concluded	
			at 1:00 p.m.	
8.1		sts for Reinstatement, Removal of ion, Restrictions, Modifications or ions		
		L. Wildes, LPN #011174-22	L. Wildes presented oral testimony in support of petition for modification of stipulation #8.	Since L. Wildes has reciprocal discipline from Texas, Board suggested she contact TX BON to request modification of Settlement Agreement received from TX.
	8.1.2	R. Joseph,Jr Inactive RN #039062-21	R. Joseph, Jr. presented oral testimony in support of petition for removal of suspension.	M/NF, S/RP to deny request for removal of suspension. Unanimous.
	8.1.3	K. DeCristoforo, RN #059031-21	K. DeCristoforo came in for clarification of drug testing compliance.	Board provided information.
9.2	Licens	ure issues		
	9.2.1	Z. Austin, LNA #037400-24	Z. Austin presented oral testimony in support of petition for reinstatement of LNA license.	M/NF, S/CS to deny reinstatement. Unanimous.
	9.2.2	N. Thomsen Inactive LNA #018072-24	N. Thomsen presented oral testimony in support of petition for reinstatement of LNA license.	M/NF, S/RP to deny reinstatement. Unanimous.
7.0	Adjudi 7.3	Motion for Reconsideration/Rehearing/ Continuance/Prehearing Conference/ Motion to Compel/Dismiss 7.3.1 S. L., RN	Reviewed and discussed Respondent's Motion to Dismiss Complaint, Hearing Counsel's Objection to Motion to Dismiss Complaint, and Respondent's Reply to Hearing Counsel's Objection to Motion to Dismiss Complaint.	M/AF, S/HF to deny Respondent's Motion to Dismiss Complaint. Unanimous.
13.0	Legisla	ation		
	13.1	HB484	FYI.	
	13.2	Supreme Court decision Potential impact on licensing boards	FYI.	
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TOPIC	DISCUSSION	ACTION

	DISCUSSION	ACTION
14.0 National Council	DV A A MOCDA 2015 M. A	
14.1 2015 Midyear Meeting	DN reported on the NCSBN 2015 Midyear Meeting	
	held in Louisville, KY.	
15.0 Discussion of working without nursing license	Reviewed and discussed handling discipline after	M/KK, S/TC to establish the following policy for
	licensee has worked without current license.	working without a license:
		1 st time: \$50/month
		2 nd time: Fines double to \$100/month
		3 rd time: Appear before Board
		Unanimous.
17.0 Adjournment		Meeting adjourned at 3:20 p.m.
17.0 Adjournment		viceting adjourned at 3.20 p.m.
	Next regular meeting:	
	April 16, 2015	
	8:00 a.m.	
	NH Board of Nursing	
	Conference Room B119	
	121 South St	
	Concord, NH 03301	
		Respectfully submitted,
		respectany submitted,
		Danias Nias MCN DN DC
		Denise Nies, MSN, RN, BC
		Executive Director